

REMARKS

Finally, the argument Applicant has urged all along with respect to the “continuous” limitation of the present invention has come into focus in connection with *Hubbell*.

None of the prior art of record, in addition to other shortcomings discussed previously, discloses a structure that is continuous along its length (and radially), as is claimed.

Specifically, *Hubbell* does not disclose anywhere or suggest that the hollow sleeve is continuous or formed by a process designed to yield continuity (extrusion or coextrusion). Nor does *Hubbell* disclose that the core or structural tubular element is continuous, (any alleged continuity disclosed by *Hubbell* or any of the prior art of record must be “inherent”). Indeed, *Hubbell* suggests otherwise in two ways: first, it suggests that the disclosed pilings be vertically stacked, which is inherently discontinuous, and second by the disclosure of forming inspection portals through the sidewall of the piling to permit access to the interior of the piling.

Examiner finally focuses on this claim limitation, but dismisses the argument as follows:

The applicant argues that the claimed invention is in stark contrast to the foundation piling of Hubbell, since Hubbell discloses the formation of "portals" in the conduit, which interrupts the continuity of the structure. The applicant cites support for this argument by Hubbell's disclosure in column 7, lines 1-14, where Hubbell states that

"[p]lacement of strain-gages on the post-tensioning strands, after post tensioning via sealable, and/or resealable portals into the structure's post-tensioning conduit, allows for monitoring of structural integrity during manufacturing, transport, installation activities and after installation for monitoring of load displacements before, during and after placement of superstructure on the installed pile foundation."

The structure in Hubbell that the Examiner is using to meet the claimed recitation is a hollow sleeve seen as the shell of epoxy resin (7), and a core within the sleeve, seen as structural tubular element (4). The strain-gages that Hubbell discloses are placed on the post-tensioning strands, which are located inside the hollow space in the conduit (2). Therefore, it does not appear that they must interrupt the continuity of the core and sleeve. The applicant appears to be arguing more than is actually disclosed by Hubbell.

Examiner thoroughly misapprehends Applicant's argument in regard to the portals. As noted by the Examiner, the strain gages of *Hubbell* are placed on the post-tensioning strands. The post-tensioning strands are reached, not through the open ends of the piling structure, but through "portals into the structure's post-tensioning conduit." These

portals, by necessity, must extend through the walls (sleeve 7 and core 4) of *Hubbell* into the hollow space in the conduit 2. It is the portals that interrupt the continuity of the sleeve, not the strain gages themselves.

Although it is not disclosed by *Hubbell*, it is commonly known that foundation pilings are topped with a cap, usually concrete and monolithic, that would cover or occlude the open upper end of *Hubbell's* post-tensioning conduit. The lower end of the piling, of course, is sunk deep in the earth. The post-tensioning conduit at the lower end would not be accessible due to depth and being surrounded by earthen formation. Moreover, the post-tensioning strands must be attached to something substantial at both ends of the piling to permit post-tensioning. If the open ends of the pilings remained open after installation or assembly, there would be no need for *Hubbell* to refer to portals: access to the post-tensioning conduit is provided by the open ends. *Hubbell* does not refer to forming these "portals" at the end of the structure disclosed, through piling caps or any other structure. Instead, *Hubbell* discloses forming the portals "into the structure's post-tensioning conduit." Inescapably, then, the portals must be formed through the sidewalls of the piling, thus interrupting the continuity of both the inner and outer sleeves.

Therefore, because *Hubbell* does not disclose, teach or suggest the continuous limitation of the claims at issue, it cannot properly anticipate them. Further, because none of the other prior art of record discloses, teaches, or suggests the claimed combination, including the continuity limitation, these references cannot form the basis for an

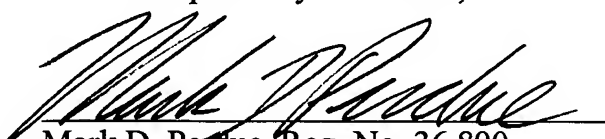
obviousness rejection. Accordingly, Applicant solicits reconsideration and allowance of all claims.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,



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